



October 27, 2009

To Whom It May Concern:

Enclosed you will find the West Cameron Port Commission's request for arbitration on a pending project worksheet. Please accept this document as our withdrawal of the Appeal request and formal request of arbitration.

Attached you will find:

- Applicant Information and Statement of Dispute
- Revised Statutes exhibiting powers of the West Cameron Port Commission
- 1999 Coastal Use Permit-Louisiana Department of Natural Resources
- 1999 Department of Environmental Quality permit
- 1999 Department of the Army Corps permit and approval letter
- 2009 Coastal Use Permit-Louisiana Department of Natural Resources
- Letter dated May 19, 2009 from engineering firm Lonnie G. Harper & Associates
- Letter dated October 23, 2009 from the Operations Manager New Orleans Corps of Engineers and companion plan view
- Cameron Loop Soundings
- Information on the local bond issue to maintenance dredge the area-1999

Thank you for this and previous courtesies. We stand ready to assist you in anyway possible.


Ernest Broussard, Jr. AICP/CEcD

Executive Director Cameron Planning & Development

Arbitration

ARR Division - Region VI

LOG # 09-10-154

Received 10/29/09

BY 22

DUE 11/18/09

E-LOG

Date Rec'd	10/29/09
Rec'd by:	68
Action	Info
Director	
Deputy	
XA	
Analyst	
DAD	
DOO	
MIT	
MGJ	
NP	
File	
Suspense	
Date:	11/18/09

09-10-5072



Request for Arbitration

I. General Information:

Applicant Name: West Cameron Port Commission (FIPS: 023-UID4R-00)

Applicant Address: PO Box 1271 Cameron LA, 70631

Declaration Number: FEMA-LA DR 1607

Withdrawal of Second Appeal- Project Worksheet (PW) 4659

Authorized Representative:

Ernest Broussard, Jr. AICP/CEcD

Cpdp_ebroussard@camtel.net

Office 337-775-5206

Fax 337-542-4129

II. Statement of Dispute

Project Worksheet (PW) 4659 was submitted by the West Cameron Port Commission in an attempt to capture debris and siltation of a 3.3 mile stretch of the Calcasieu River Loop Pass (Cameron Loop) and companion East Fork due to Hurricane Rita. The Cameron Loop and East Fork are existing commercial waterways whose historical utilization has been maritime, waterfront related activities in support of commercial and recreational fishing, oil/gas exploration, and the maritime service industry. As a result of Hurricane Rita, the area has experienced significant sediment accumulation that has resulted in a 10-22 foot depth range throughout the Loop which has limited the accessibility of deepdraft vessels and other support vehicles. The limited accessibility has resulted in a significant decrease in oil and gas service industry activity.

In previous years, the Corps of Engineers had performed maintenance dredging of the area dating back to 1874. Maintenance dredging continued in the 1880's, 1893, 1894, 1902, 1903, and 1906-1907 for the purpose of maintaining this system as a navigable channel. The inception of the Calcasieu River Ship Channel in 1940 was to provide direct access to the Port of Lake Charles, but it resulted in an isolated portion of 3.3 miles of the old River-the Cameron Loop. Initial dredging was not necessary as the River was self-scouring due to natural current. When the Loop became segregated, siltation and shoaling were more prevalent because of the re-routed tidal interchange. Cameron Parish

residents recognized the importance of the Loop as its primary source of tax revenue throughout the Parish. A 1999 local bond issue financed the dredging of the Loop to a depth of 25 feet for a total of \$3,500,000. USACE & Louisiana Department of Natural Resource permits were acquired with the West Cameron Port as the applicant. This dredge activity concluded in 2000.

More specifically, issues have been brought about concerning: 1) the legal responsibility of the West Cameron Port to maintain the Loop, 2) the overriding cause of the siltation, and 3) the validity of relevant public health and safety issues of the damaged area.

Issue #1 brought about through FEMA analysis states that the West Cameron Port has no legal authority to maintain the Cameron Loop; therefore, no public assistance is warranted to the applicant. The applicant asserts that the only entity to fund the dredging of the area of question since 1940 is the taxpayers of Cameron Parish not the USACE or the Lake Charles Harbor District. The West Cameron Port Commission through RS 34:2551 and RS 34:2553 (Attached) was created as a political subdivision of the State of Louisiana with all corporate powers to regulate, construct, own, maintain, operate, acquire, expropriate, levy taxes and fees, receive funding, and to conduct general port harbor and terminal operations for the benefit of the District. Included in the statute is the following, (5) "Maintain proper depths of water at all wharves and landings, and dredge and maintain shipways, channels, slips, basins and turning basins." The applicant also agrees with the FEMA position that the USACE maintains 1.1 miles of the northern channel of the pass to a depth of 12 feet. Interestingly enough, such maintenance dredging activities have only been performed once by the Corps, in 1976. However, the USACE regulations do not mention the other 2.2 miles of the Cameron Loop or the East Fork. It should also be noted that the West Cameron Port maintains that the Loop is their responsibility as they are the entity of record for both the Loop Dredging Maintenance Permits of 1999 and 2009 (Attached are hard copies of the permits). The West Cameron Port owns over 150 acres located along the Cameron Loop that will not be developed until the clearing of the Loop. FEMA also brings up the fact that through several recovery related allocations, the Calcasieu Ship Channel is now 100% funded for dredging for fiscal years 2003-2009. However it should be noted that the Cameron Loop is not considered as part of the Ship Channel, rather it is simply an arterial not included in direct allocations.

Issue #2 posed by the reviewers consider the prevailing cause of the siltation present in the Loop. As previously mentioned, the bond issue of 1999 funded the dredging of the Loop and East Fork, and it should be duly noted that no dredging of the Loop was necessary from the 1940 dredge until the dredge concluding in 2000. Therefore, if no significant siltation accumulated over those forty years to trigger a dredging project, why would the occurrences of two major storm events not accelerate and increase the overall deposit of sediment in the Loop? The time span between dredging prior to Rita and Ike had been forty years, so this begs the question, did the West Cameron Port simply not realize the importance of the area to their economic livelihood or was the siltation not significant enough to perform the dredge?

Initially, maintenance dredging was not an issue as large vessels traveling throughout the Loop and East Fork prevented active siltation by propeller washing. However, due to the decreased capacity of maritime traffic and the sediment deposited by Hurricane Rita, the Loop is in dire need of dredging once again. A licensed engineer with over thirty years experience in the relevant area provided an interpretation of the siltation problem (Attached letter from Lonnie G. Harper & Associates) and concluded that after the initial project maintenance dredging was not necessary due to vessel traffic through the Loop which prevented significant siltation by the action of vessel prop wash.

Issue #3 established by FEMA states that there are no immediate threats to the health, safety, or well-being of the public. FEMA misrepresents damage information from the West Calcasieu Port which is a completely separate entity, more isolated from storm events than the West Cameron Port located much closer to the Gulf of Mexico. FEMA also errs in providing financial documentation (gross operating revenue) that has no relevance to the West Cameron Port. The documented finances provided by FEMA were aimed at gauging the economic recovery of the area should this project come to fruition; however, the data presented is for the West Calcasieu Port for the fiscal year ending 2003. Once again, a completely inaccurate reference by FEMA that has no reflection whatsoever on the West Cameron Port. The applicant would like to clarify that the West Cameron Port currently has a very robust agenda including Fisheries improvements, docking, and deepwater exploration all of which are being augmented financially through various funding sources. This project worksheet was written as permanent work; however, consistent with FEMA's continuing inquiry, it does pose a threat to the value of property along the Loop as well as the overall economic well-being of the Parish. Pre-Rita revenues along the Loop cannot be underestimated when comparing them to present day revenues. The Parish requested earlier this year for the State of Louisiana to also assist in dredging a portion of the Loop to allow two businesses access to docking areas. The State, regrettably, was tardy in its response and both firms relocated. Additionally, FEMA publicized several cases of its excellent rapport with recovery assistance as far as the removal of siltation goes.

The West Cameron Port feels that the information presented in this vehicle will provide greater clarity to the issues at hand. The above narratives address some of the issues presented; however, below you will find our direct responses to items addressed in FEMA's appeal analysis dated August 10, 2009.

Discussion Issue #1: Responsibility to dredge the Loop. FEMA provided the following factors supporting their conclusion:

- *"...the USACE maintains 1.1 miles of the northern channel pass to a depth of 12 feet."*

The applicant agrees with this statement that the USACE does in fact maintain 1.1 miles of the Loop, however the problem lies in the fact that the Loop is a 3.3 mile area not a 1.1 mile area. FEMA completely ignores the fact that the remaining 2.2 miles of the Loop or the East Fork are never mentioned.

- *The Lake Charles Harbor District stated that 100% of its funding for fiscal years 2003-2009 has been provided through Congress and the Administration's stimulus plan.*

The applicant agrees with this statement that the Ship Channel dredging activities are fully funded, but this funding source does not pertain to the Cameron Loop or East Fork. FEMA errs again in assuming that this funding is also dedicated to maintenance dredging activities for the Loop and Fork; however it only pertains to the actual Ship Channel specifically from the 7 mile marker north.

- *"The applicant has not provided any official documentation to demonstrate their legal responsibility to maintain the passes."*

The applicant agrees and has provided a letter (see attached) dated October 23, 2009 from the Operations Manager with the USACE stating that the Corps is only authorized to dredge the northern 1.1 mile portion of the Loop (not the 3.3 miles mentioned here) to dimensions of 12 feet deep by 200 feet wide and that the Corps has not dredged this area to the prescribed since 1976 due to channel conditions exceeding these dimensions. As for the East Fork, the Corps also states that they are not the authorized agent. We have also included a site map showing the limits of the Corps authority for the Loop. To further support the West Cameron Port's overall responsibility for the maintenance of this area (RS 34:2553), we have also included permits applied for by the West Cameron Port to maintain the Loop to a suitable depth for navigational purposes on two separate occasions.

Discussion Issue #2: Sediment caused by Hurricane Rita. FEMA provided the following factors supporting their conclusion:

- *"...the silt is not the direct result of the storm."*

The applicant maintains that the accelerated silt accumulation in the Loop was a result of the storm event. Prior dredging activities had a lasting effect on depths for decades. It is not an unwarranted assumption that the storm directly impacted the Loop, and while coupling the effect of materials deposited in the area with the lack of vessel traffic not allowing sediment to deposit. As previously mentioned, Lonnie G. Harper & Associates feel that vessel prop wash is an acceptable form of channel maintenance and decreased vessel traffic will allow for significant sediment accumulation.

Discussion Issue #3: Eligibility of silt removal as permanent work or emergency work. FEMA provided the following factors supporting their conclusion:

- *"Does the debris represent an immediate threat to life or public health and safety?"*

The applicant maintains that FEMA mentioning the West Calcasieu Port suffering minor damage has no bearing at all on the impacts along the Cameron Loop and is yet another gross misrepresentation of facts. The West Calcasieu Port is located further inland and not as susceptible to storm events. Also, FEMA mentions that no warnings

have been posted regarding safety hazards or reduced draft. However, an extensive program to raise public awareness was formed following Hurricane Rita pertaining to debris in the Loop and other navigable waterways. Federal, State, and Local agencies, the LSU AgCenter, and Louisiana SeaGrant participated in marking these items which do still pose a threat to safety in many cases along the Loop. Furthermore, sediment and debris deposited in the channel serves as an immediate threat to the safe harborage of vessels and those present on the vessel who are part of the Parish's vast economic bases of oil and gas services and commercial and recreation fishing interests.

- *"Does the silt represent an immediate threat of significant damage to improved property?"*

The applicant maintains that FEMA's statement concerning the Ship Channel being fully operational once again has no bearing on the Cameron Loop. FEMA overlooks the fact that the Calcasieu Channel is self-scouring in Cameron Parish and does not require maintenance dredging from the 7 mile marker south to the Gulf. However, the Loop is hydrologically isolated from the normal tidal exchange which typically reduces sediment accumulation. Businesses along the southern part of the Loop have closed down operations and relocated due to the siltation and heightened depths of the Channel.

- *"Does the silt represent permanent damage to the Applicant's facility?"*

FEMA's stance is that this is not the applicant's facility which it is not literally, but figuratively the applicant does consider this to be a hindrance to day to day operations of an industry that is totally dependent on the navigation on waterways to open water. How does a Port survive without proper navigational access to vital industry locations? Siltation in other states has been deemed an eligible cost by FEMA, specifically Jackson County, Mississippi, was awarded \$2.9 million to dredge canals and bayous.

- *"Would the removal of the subject silt ensure economic recovery of the affected community to the benefit of the community at large?"*

The applicant maintains that this Loop represented over 80% of the Parish's tax base pre-Rita. The storm, as previously mentioned, has raised depth levels of the Loop and in turn has caused many businesses having traditional presence in the area to relocate due to the fact that the Loop has become impassable. FEMA mentions that the operating revenue for the West Calcasieu Port was \$130,000, and once again this has no relevance to the West Cameron Port as it is a separate entity. The ideal location of the Loop and its proximity to the open water access of the Gulf of Mexico provides wonderful potential to develop deepwater exploration facilities in Cameron. However, vessels need the proper depths in order to navigate to and from locations around the Loop and East Fork. Quite frankly, the denial of assistance in this instance would impede this community from returning to its thriving, functional pre-storm state.

Conclusion

The applicant feels that the glaring discrepancies represented above resulted in FEMA issuing the wrong decision on both the Project Worksheet request and the Appeal request. Hopefully the information provided here will clarify any major issues with our situation. It is the applicant's opinion that the West Cameron Port does have justifiable responsibility in maintaining this Loop as its historical references presented above should exhibit. FEMA misunderstood the economic and spatial relationship that the Cameron Loop has in reference to the Calcasieu Ship Channel, the Port of Lake Charles, and the West Calcasieu Port. FEMA also erred in assuming that this activity would not increase the economic viability of a storm ravaged area that is entitled to funding assisting with the removal of measurable storm-related damages. Expansion of the current industry is simply not feasible when prospective firms contemplating a move to Cameron cannot justify it without clear access to deepwater and shore-based operations as well. The engineered, designed nature of the Cameron Loop and East Fork garners eligibility for public assistance and these waterways must be restored to their pre-storm depths. Our office stands ready to provide additional information that is deemed necessary.

CHAPTER 32. WEST CAMERON PORT COMMISSION

§2551. Creation of district

The West Cameron Port, Harbor and Terminal District, hereinafter referred to as "the district," is hereby created as a political subdivision of the state, with full corporate powers. The territorial limits and territorial jurisdiction of said district shall be composed of all of the area comprising wards three, four, five and six of the parish of Cameron, Louisiana.

Added by Acts 1968, No. 396, §1.

[PREVIOUS SECTION](#) | [NEXT SECTION](#) | [PRINT DOCUMENT](#) | [CLOSE THIS WINDOW](#)

RS 34:2553

§2553. Powers of the commission

A. The commission shall regulate the commerce and traffic within the district in such manner as may, in its judgment, be for the best interest of the state. Title to all property and improvements thereon operated by the commission shall vest in the State of Louisiana.

B. The commission is hereby vested with authority to:

(1) Employ such officers, agents and employees as it deems necessary for the performance of its powers and duties and to prescribe the powers and duties and fix the compensation of such officers, agents and employees.

(2) Contract, upon such terms as it may agree upon, for legal, financial, engineering and other professional services necessary or expedient in the conduct of its affairs.

(3) Utilize the services of the other executive departments of the state upon mutually agreeable terms and conditions.

(4) Own, construct, acquire, operate and maintain docks, wharves, landings, elevators, sheds, warehouses, basins, locks, slips, laterals, canals and all other property, structures, equipment, facilities and works of public improvement necessary or useful for port, harbor and/or terminal purposes.

(5) Maintain proper depths of water at all wharves and landings, and dredge and maintain shipways, channels, slips, basins and turning basins.

(6) Establish harbor lines within the port area by agreement with the Corps of Engineers of the United States.

(7) Construct, own, operate and maintain terminal rail facilities and other common carrier rail facilities for the purpose of rendering rail transportation to and from the facilities to be erected, owned and operated by the commission in both intrastate and interstate commerce.

(8) Acquire, by expropriation and in accordance with the expropriation laws of the state, any properties necessary for the benefit and advantage of regulating commerce and traffic within its jurisdictions and the district; provided, however, that it shall not have the right to expropriate minerals or mineral rights, and the powers of expropriation of the commission shall not apply or extend to any existing publicly or privately owned wharf, dock, warehouse, elevator or other facility or industrial structure constructed on or adjacent to any navigable waterway, natural or man made, or to the replacement, improvement and operation thereof by the owners, lessees, permittees or the successors and assigns thereof. Should the properties expropriated under the authority herein conferred cease to be used for the purposes for which they were expropriated, such properties shall revert to the original land owner or his heirs or assigns, provided such land owner or his heirs or assigns shall reimburse said district or commission, or its successor, in the full amount originally paid by the district or commission for such land.

(9) Acquire by purchase, lease or otherwise, industrial plant sites and necessary property or appurtenances therefor, and to acquire or construct industrial plant buildings, with necessary machinery and equipment, within such district.

(10) Receive, by gift, grant, donation or otherwise, any sum of money, aid or assistance from the United States, the State of Louisiana, or any political subdivision thereof.

(11) Provide such light, water, police protection and other services for its facilities as it deems advisable.

(12) Establish and charge reasonable fees, rates, tariffs or other charges for the use of all facilities administered by it and for all services rendered by it.

(13) Charge a reasonable fee to each vessel arriving in the port area in ballast or carrying

cargo of any kind.

(14) Charge for each copy of any certificate issued by it or by any of its officers or employees for inspecting hatches, surveying cargo, or for making other surveys or inspections of vessels in the district, but it shall furnish, without charge, to the master of each such vessel one copy of all surveys upon his vessel or cargo.

(15) Make and enter into contracts, leases and other agreements with railroads, trucking companies, barge lines and with any and all companies interested in the transportation, storage and shipping of goods and other products, whether by rail, truck line, barge line, ocean going vessels or otherwise, for the use of facilities administered by the commission or any part or portion thereof, for a period not exceeding forty years; provided, however, that no exclusive franchise shall be granted to any carrier. The commission may lease or sublease for processing, manufacturing or commercial business purposes any lands or buildings owned, acquired or leased as lessee by it, which leases may run for any term not exceeding forty years, at a fixed rental, provided that any such lease may run for a term not exceeding ninety-nine years if it contains a clause or clauses for readjustment of the rentals upon the expiration of a primary term of forty years.

(16) Do any and all things necessary or proper for the government, regulation, development and control of the business of the district.

Added by Acts 1968, No. 396, §1.



DEPARTMENT OF NATURAL RESOURCES
COASTAL MANAGEMENT DIVISION

P.O. BOX 44487
BATON ROUGE, LOUISIANA 70804-4487
(504)342-7591
1-800-267-4019

COASTAL USE PERMIT/CONSISTENCY DETERMINATION

C.U.P. No.: P990956 (Modified)

C.O.E. No.: WI-19-990-3712

NAME AND ADDRESS: West Cameron Port, Harbor and Terminal
c/o On Target Surveying, Inc.
P.O. Box 229
Grand Chenier, LA 70643
Attn: Lonnie G. Harper

LOCATION: Cameron Parish, LA: Lat. 29°48'01.533"N, Long. 93°20'43.822"W; T15S-R09 and 10W and T14S-R09 and 10W; Calcasieu Pass (POB at Lat. 29°48'01.533"N, Long. 93°20'43.822"W and POE at Lat. 29°46'28.204"N, Long. 93°20'39.200"W) and East Fork of the Calcasieu River (POB at Lat. 29°49'11.312"N, Long. 93°20'48.974"W and POE at Lat. 29°49'49.13"N, Long. 93°20'05.45"W); Sabine National Wildlife Refuge; Gulf of Mexico.

PROJECT DESCRIPTION: (See Page Two)

In accordance with the rules and regulations of the Louisiana Coastal Resources Program and Louisiana R.S. 49, Sections 214.21 to 214.41, the State and Local Coastal Resources Management Act of 1978, as amended, the permitted agrees to:

1. Carry out or perform the use in accordance with the plans and specifications approved by the Department of Natural Resources.
2. Comply with any permit conditions imposed by the Department of Natural Resources.
3. Adjust, alter, or remove any structure or other physical evidence of the permitted use if, in the opinion of the Department of Natural Resources, it proves to be beyond the scope of the use as approved or is abandoned.
4. Provide, if required by the Department of Natural Resources, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the Department of Natural Resources determine it necessary.
5. Hold and save the State of Louisiana, the local government, the department, and their officers and employees harmless from any damage to persons or property which might result from the use, including the work, activity, or structure permitted.
6. Certify that the use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the Department of Natural Resources. The Department of Natural Resources may, when appropriate, require such certification to be given by a registered professional engineer.
7. All terms of the permit shall be subject to all applicable federal and state laws and regulations.
8. This permit, or a copy thereof, shall be available for inspection at the site of work at all times during operations.
9. The applicant will notify the Coastal Management Division of the date on which initiation of the permitted activity described under the "Coastal Use Description" began. The applicant shall notify the Coastal Management Division by mailing the enclosed green initiation card on the date of initiation of the coastal use.
10. Unless specified elsewhere in this permit, this permit authorizes the initiation of the coastal use described under "Coastal Use Description" for two years from the date of the signature of the Secretary or his designee. If the coastal use is not initiated within this two year period, then this permit will expire and the applicant will be required to submit a new application. Initiation of the coastal use, for purposes of this permit, means the actual physical beginning of the use of activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the coastal use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, the permitted must, in good faith and with due diligence, reasonably progress toward completion of the project once the coastal use has been initiated.
11. This Coastal Use Permit authorizes periodic maintenance, but such maintenance activities must be conducted pursuant to the specifications and conditions of this permit.
12. The following special conditions must also be met in order for the use to meet the guidelines of the Coastal Resources Program:

C.U.P. No. P990956 (Modified)

C.O.E. No. WI-19-990-3712

PROJECT DESCRIPTION

Maintenance dredge Calcasieu River Loop Pass and the East Fork of Calcasieu River to a bottom width of 200' and a depth of -30' NGVD. Approximately 2,012,012 cu. yds. of material will be dredged from the Calcasieu River Loop Pass and deposited in the Gulf of Mexico on the west side of the Calcasieu Ship Channel for beach nourishment. Approximately 330,000 cu. yds. of removed from the East Fork of the Calcasieu River and deposited in a 120 acre marsh creation area (100 acre creation area and a 20 acre overflow area) on the Sabine National Wildlife Refuge. Approximately 59,4003 cu. yds. of material will be excavated from inside the spoil disposal area and used to construct approximately 11,880 linear feet of containment levee. Two variable crest weirs will be constructed in the levees of the marsh creation area.

SPECIAL CONDITIONS

- A. All logs and stumps unearthed during dredging shall be buried beneath the bottom of the waterway or removed to a disposal site on land.
- B. No spoil shall be placed in marsh ponds or tidal streams.
- C. That the applicant shall insure that all sanitary sewage and/or related domestic wastes generated during the subject project activity and at the site, thereafter, as may become necessary shall receive the equivalent of secondary treatment (30 mg/l BOD₅; 30 mg/l TSS) with disinfection prior to discharge into any of the streams or adjacent waters of the area or, in the case of total containment, shall be disposed of in approved sewerage and sewage treatment facilities, as is required by the State Sanitary Code. Such opinion as may be served by those comments offered herein shall not be construed to suffice as any more formal approval(s) which may be required of possible sanitary details (i.e. provisions) scheduled to be associated with the subject activity. Such shall generally require that appropriate plans and specifications be submitted to the Department of Health and Hospitals for purpose of review and approval prior to any utilization of such provisions.
- D. (i) This permit authorizes the initiation of the Coastal Use described under "Coastal Use Description" for two (2) years from the date of the signature of the Secretary or his designee. Initiation of the Coastal Use, for purposes of this permit, means the actual physical beginning of the use or activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the Coastal Use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, the permittee must, in good faith and with due diligence, reasonably progress toward completion of the project once the Coastal Use has been initiated. If the Coastal Use is not initiated within this two (2) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (Title 43:1.723.D.). Please note that a request for permit extension MUST be made no sooner than one hundred eighty (180) days and no later than sixty (60) days prior to the expiration of the permit.



C.U.P. No. P990956 (Modified)

C.O.E. No. WI-19-990-3712

(ii) The expiration date of this permit is five (5) years from the date of the signature of the Secretary or his designee.

(iii) Upon expiration of this permit, a new Coastal Use Permit will be required for completion of any unfinished or uncommenced work items and for any maintenance activities involving dredging or fill that may become necessary. Other types of maintenance activities may also require a new Coastal Use Permit.

- E. The permittee shall allow representatives of the Coastal Management Division or authorized agents to make periodic, unannounced inspections to assure the activity being performed is in accordance with the conditions of this permit.
- F. The permittee shall comply with all applicable state laws regarding the need to contact the Louisiana One Call (LOC) system (1-800-272-3020) to locate any buried cables and pipelines.

By accepting this permit the applicant agrees to its terms and conditions.

I affix my signature and issue this permit this 13th day of January, 20 00.

DEPARTMENT OF NATURAL RESOURCES

Terry W. Howey
TERRY W. HOWEY, ADMINISTRATOR
Coastal Management Division

This agreement becomes binding when signed by the Administrator of the Coastal Management Division, Department of Natural Resources.





State of Louisiana
Department of Environmental Quality



M.J. "MIKE" FOSTER, JR.
GOVERNOR

J. DALE GIVENS
SECRETARY

WQC 990811-01

On Target Surveying, Inc.
P. O. Box 229
Grand Chenier, LA 70643

Attention: Mr. Lonnie G. Harper, Agent for the West Cameron Port, Harbor and Terminal District
Gentlemen:

RE: Proposal for the West Cameron Port, Harbor and Terminal District to maintenance dredge the Calcasieu River Loop Pass and the East Fork of Calcasieu River for access, at Monkey Island, near Cameron, Cameron Parish.

This is to acknowledge that you have completed the requirements for Water Quality Certification for the above referenced proposal.

It is our opinion that your proposed project will not violate water quality standards of the State of Louisiana, therefore, we offer no objection to this project provided that the outflow structures in the disposal areas are constructed and maintained so as not to create an increased turbidity problem during the dredging process.

In accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provisions of Section 401 of the Clean Water Act (P.L. 95-217), the Office of Environmental Services certifies that it is reasonable to expect that water quality standards of Louisiana provided for under Section 303 of P. L. 95-217 will not be violated.

Sincerely,

Gustave Von Bodungen
Gustave Von Bodungen, P.E.
ASSISTANT SECRETARY

GVB:JWL

c: Corps of Engineers, New Orleans -- WI-19-990-3712
Coastal Management Division -- P990956 -- T. R. Robertson

OFFICE OF ENVIRONMENTAL SERVICES • P.O. BOX 82135 • BATON ROUGE, LOUISIANA 70884-2135

AN EQUAL OPPORTUNITY EMPLOYER



DEPARTMENT OF THE ARMY PERMIT

Permittee: West Cameron Port, Harbor and Terminal

Permit No.: WS-18-890-3712

Issuing Office: New Orleans District

NOTE. The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Maintenance dredge the East Fork of the Calcasieu River and deposit 330,000 cubic yards of spoil material in a 120-acre marsh creation area in the Sabine National Wildlife Refuge and maintenance dredge the Calcasieu River Loop Pass and deposit 2,012,012 cubic yards of spoil material in the Gulf of Mexico for beach nourishment. Excavate and deposit material to construct an 11,880 linear foot containment levee, in accordance with drawings attached in 11 sheets, dated July 28, 1988, and revised January 12, 2000.

Project Location: Located in Calcasieu Pass and the East Fork of the Calcasieu River at Latitude 29°48'01" 533" North, Longitude 93°20'43.8222" West, Sabine National Wildlife Refuge, in Calcasieu Parish, Louisiana.

COPY TO USCG

3/21/00

COPY TO INSPECTOR

COPY TO C2

3/21/00

COPY TO COMMERCE

3/21/00

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on February 28, 2005. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

8. If a sedimentation water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

9. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See Page 4 for Special Conditions.

Further Information:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 406 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. **Limits of this authorization.**

a. This permit does not obstruct the need to obtain other federal, state or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate.
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 328.7 or enforcement procedures such as those contained in 33 CFR 328.4 and 328.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any enforcement measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations seek to have you fined or imprisoned or both, or may cause the corrective measures by contract or otherwise and bill you for the cost.

6. **Extension.** Once condition 1 establishes a time limit for the completion of the activity authorized by this permit, unless there are circumstances requiring a prompt completion of the authorized activity or a reevaluation of the public interest decision, the office will normally give favorable consideration to a request for an extension of this time limit.

You understand that you accept and agree to comply with the terms conditions of this permit.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


Robert A. Pappas, Chief, Regulatory Branch
US Army Corps of Engineers

03/04/2000
(DATE)
21 March
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated obligations associated with compliance with its terms and conditions, have the transferee sign and date below.

(DATE)

SPECIAL CONDITIONS:
WI-18-990-3712

7. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
8. You must install and maintain, at your expense, any safety lights, signs and signals prescribed by the U.S. Coast Guard through regulations or otherwise, on your authorized facilities.
9. The time limit for maintenance dredging activities, authorized herein, expires 10 years from the effective date of this approval.
10. This permit approval does not obviate the permittee from obtaining any required permit from the state for use of state lands.
11. In the event of chemical spillage or evidence of contamination in the area covered by this permit during the term of this permit, the permittee shall submit notification to the Corps of Engineers no less than 30 days prior to the maintenance dredging activity so that the need for sediment testing can be determined.
12. If the proposed project, or future maintenance work, involves the use of floating construction equipment, barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc., in a federally maintained waterway, you are advised to notify the Eighth Coast Guard District so that a Notice to Mariners is required, may be prepared. Notification with a copy of your permit approval and drawings should be mailed to the Commander (in), Eighth Coast Guard District, ATTN: Vessel Traffic Management Branch, 801 Magazine Street, New Orleans, Louisiana 70130-3788, about one month before you plan to start work. Telephone inquiries can be directed to (504) 582-4626.
13. The permittee shall place spoil material flat, upon settlement, the final elevation is within the intertidal zone and at a suitable height to support wetland marsh vegetation.
14. The permittee is aware that no work may be performed under this permit approval until a waiver of this estate instrument is issued to the permittee by the Aisl Estate Division of this district.



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60281

NEW ORLEANS, LOUISIANA 70160-0281

SEP 25 2000

REPLY TO
ATTENTION OF

Operations Division
Western Evaluation Section

SUBJECT: WI-19-9⁹0-3712-1

West Cameron Port, Harbor
& Terminal District
Post Office Box 430
Lafayette, Louisiana 70631

Gentlemen:

Revised drawings attached in seven sheets, furnished with your application, dated September 26, 2000, covering the deposition of dredged material into the East Fork of Calcasieu Pass located in Calcasieu Pass and the East Fork of the Calcasieu River at Latitude 29°48'01.533" North, Longitude 93°20'43.8222" West, are approved and will be included in your plans for the work authorized by the Secretary of the Army in permit dated March 21, 2000.

The conditions to which the work is made subject, remain in full force and effect.

A copy of this permit approval letter must be conspicuously displayed at the project site. Also, you must keep a copy of this signed letter, with attached drawings, at the project site until the work is completed.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Ronald J. Ventola
Ronald J. Ventola
Chief, Regulatory Branch
for
Thomas P. Julich
Colonel, U.S. Army
District Engineer

M. Servo
00-540

Attachments



DEPARTMENT OF NATURAL RESOURCES
COASTAL MANAGEMENT DIVISION

P.O. BOX 44487
BATON ROUGE, LOUISIANA 70804-4487
(225)342-7591
1-800-267-4019

COASTAL USE PERMIT/CONSISTENCY DETERMINATION

C.U.P. No.: P20090429

C.O.E. No.: MVN 1999- 03712 WW

NAME: **WEST CAMERON PORT, HARBOR & TERMINAL DISTRICT**
c/o LONNIE G. HARPER & ASSOCIATES, INC.
2746 LA HWY 384
BELL CITY, LA 70630
Attn: Lonnie G. Harper

LOCATION: **Cameron Parish, LA**

The Calcasieu Loop Pass will be dredged from Lat 29° 48' 01.533"N, Long 93° 20' 43.822"W to Lat 29° 46' 28.204"N, Long 93° 20' 39.200"W. The large spoil disposal area is located to the west of the river mouth and south of the Gulf of Mexico shoreline from Lat 29° 45' 32.618"N, Long 93° 20' 47.962"W to Lat 29° 45' 44.999"N, Long 93° 22' 32.331"W and extends approx. 2,112' widthwise into the Gulf. The East Fork of the Calcasieu River will be dredged from Lat 29° 49' 11.312"N, Long 93° 20' 48.974"W to Lat 29° 49' 49.045"N, Long 93° 20' 05.483"W. The existing deep spoil disposal area is located in this same channel between Lat 29° 49' 22.341"N, Long 93° 20' 20.883"W to Lat 29° 49' 29.109"N, Long 93° 20' 08.549"W.

DESCRIPTION: Proposed maintenance dredging of the Calcasieu River Loop Pass and the East Fork of the Calcasieu River near the city of Cameron. Approx. 2,012,012 cu. yds. of waterbottom material will be hydraulically dredged from the Calcasieu River Loop Pass, and pumped to a spoil disposal area in the Gulf of Mexico west of the mouth of the Calcasieu River. Approx. 180,000 cu. yds. of waterbottom material will be hydraulically dredged from the East Fork, and pumped to an existing deep area in the East Fork. Areas to be dredged are located approx. 1 mile and 4 miles north of the mouth of the Calcasieu River. The large spoil disposal area is located to the immediate west of the mouth.

In accordance with the rules and regulations of the Louisiana Coastal Resources Program and Louisiana R.S. 49, Sections 214.21 to 214.41, the State and Local Coastal Resources Management Act of 1978, as amended, the permittee agrees to:

1. Carry out, perform, and/or operate the use in accordance with the permit conditions, plans and specifications approved by the Department of Natural Resources.
2. Comply with any permit conditions imposed by the Department of Natural Resources.
3. Adjust, alter or remove any structure or other physical evidence of the permitted use if, in the opinion of the Department of Natural Resources, it proves to be beyond the scope of the use as approved or is abandoned.
4. Provide, if required by the Department of Natural Resources, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the Department of Natural Resources determine it necessary.
5. Hold and save the State of Louisiana, the local government, the department, and their officers and employees harmless from any damage to persons or property which might result from the use, including the work, activity, or structure permitted.
6. Certify that the use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the Department of Natural Resources. The Department of Natural Resources may, when appropriate, require such certification to be given by a registered professional engineer.
7. All terms of the permit shall be subject to all applicable federal and state laws and regulations.
8. This permit, or a copy thereof, shall be available for inspection at the site of work at all times during operations.
9. The applicant will notify the Coastal Management Division of the date on which initiation of the permitted activity described under the "Coastal Use Description" began. The applicant shall notify the Coastal Management Division by mailing the enclosed green initiation card on the date of initiation of the coastal use.
10. Unless specified elsewhere in this permit, this permit authorizes the initiation of the coastal use described under "Coastal Use Description" for two years from the date of the signature of the Secretary or his designee. If the coastal use is not initiated within this two year period, then this permit will expire and the applicant will be required to submit a new application. Initiation of the coastal use, for the purposes of this permit, means the actual physical beginning of the use of activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the coastal use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, the permittee must, in good faith, and with due diligence, reasonably progress toward completion of the project once the coastal use has been initiated.

1. The following special conditions must also be met in order for the use to meet the guidelines of the Coastal Resources Program:



- a. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
- b. No impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within ¼ mile of the proposed project.

The Louisiana Natural Heritage Program (LNHP) has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the State of Louisiana. LNHP reports summarize the existing information known at the time of the request regarding the location in question. LNHP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. If at any time LNHP tracked species are encountered within the project area, please contact our biologist at 225-765-2643.

- c. As-built drawings shall be submitted within 30 days of completion of this project to the Louisiana Department of Natural Resources, Coastal Management Division, PO Box 44487, Baton Rouge, LA 70804-4487.
- d. Spoil placement areas must be marked in accordance with U. S. Coast Guard regulations.
- e. That permittee shall insure that all sanitary sewage and/or related domestic wastes generated during the subject project activity and at the site, thereafter, as may become necessary shall receive the equivalent of secondary treatment (30 mg/l BOD5) with disinfection prior to discharge into any of the streams or adjacent waters of the area or, in the case of total containment, shall be disposed of in approved sewerage and sewage treatment facilities, as is required by the State Sanitary Code. Such opinion as may be served by those comments offered herein shall not be construed to suffice as any more formal approval(s) which may be required of possible sanitary details (i.e. provisions) scheduled to be associated with the subject activity. Such shall generally require that appropriate plans and specifications be submitted to the Department of Health and Hospitals for purpose of review and approval prior to any utilization of such provisions.
- f. All logs, stumps and other debris unearthed during dredging shall be buried a minimum of one (1) foot beneath the bottom of the waterway or removed to an approved disposal site on land.
- g. Permittee shall comply with all applicable state laws regarding the need to contact the Louisiana One Call (LOC) system (1-800-272-3020) to locate any buried cables and pipelines.
- h. That should changes in the location or the section of the existing waterways, or in the generally prevailing conditions in the vicinity be required in the future, in the public interest, Permittee shall make such changes in the project concerned or in the arrangement thereof as may be necessary to satisfactorily meet the situation and shall bear the cost thereof. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for project modifications.
- i. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.
- j. Permittee shall allow representatives of the Coastal Management Division or authorized agents to make periodic, unannounced inspections to assure the activity being performed is in accordance with the conditions of this permit.
- k. Permittee shall comply with all applicable state laws regarding the need to contact the Louisiana One Call (LOC)



system (1-800-272-3020) to locate any buried cables and pipelines.

- I. This permit authorizes the initiation of the Coastal Use described under "Coastal Use Description" for two (2) years from the date of the signature of the Secretary or his designee. Initiation of the Coastal Use, for purposes of this permit, means the actual physical beginning of the use or activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the Coastal Use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, Permittee must, in good faith and with due diligence, reasonably progress toward completion of the project once the Coastal Use has been initiated. If the Coastal Use is not initiated within this two (2) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (Title 43:1.723.D.). Please note that a request for permit extension MUST be made no sooner than one hundred eighty (180) days and no later than sixty (60) days prior to the expiration of the permit.

The expiration date of this permit is five (5) years from the date of the signature of the Secretary or his designee.

Upon expiration of this permit, a new Coastal Use Permit will be required for completion of any unfinished or uncommenced work items and for any maintenance activities involving dredging or fill that may become necessary. Other types of maintenance activities may also require a new Coastal Use Permit.

***** End of Conditions *****

By accepting this permit the applicant agrees to its terms and conditions.

I affix my signature and issue this permit this 29th day of September, 2009.

THE DEPARTMENT OF NATURAL RESOURCES

Karl L. Morgan, Acting Administrator
Coastal Management Division

This agreement becomes binding when signed by Administrator of the Coastal Management Division, Department of Natural Resources.

Attachments

Page: 4 of 4
C.U.P. No.: P20090429
C.O.E. No.: MVN 1999-03712 WW



Final Plats:

1) P20090429 Final Plats 05/12/2009

cc: Pete Serio, COE w/attachments
Dave Butler, LDWF w/attachments
Chuck Spears, CMD/SS w/attachments
Kaili Mills, CMD/FI w/attachments
Cameron Parish w/attachments

WEST CAMERON PORT, HARBOR & TERMINAL DISTRICT w/attachments



Lonnie G. Harper & Associates, Inc.

CIVIL ENGINEERING AND LAND SURVEYING CONSULTANTS

2697 GRAND CHENIER HIGHWAY • GRAND CHENIER, LOUISIANA • 70643-0229 • PHONE: 337.538.2574 • FAX: 337.538.2596
2746 LOUISIANA HIGHWAY 384 • GRANDLAKE COMMUNITY BRANCH, BELL CITY, LA • 70630-5127 • 337.905.1079 • FAX: 337.905.1076

19 May 2009

Ernie Broussard Jr., AICP/CEcD
Cameron Parish Planning & Development
Post Office Box
Cameron, LA 70631

Re: PW 4659 for Loop Pass of Calcasieu River

Dear Ernie,

The maintenance dredging was authorized under Corps of Engineers Permit Number WI-19-990-3712 and Coastal Use Permit P990956 (Modified), attached for your reference. The Corps permit is in effect until March 2010. The Parish is in the process of re-authorizing the Coastal Use Permit.

We have recently completed a hydrographic survey of the water bottom associated with the Calcasieu River Loop Pass and have determined that approximately 1,700,000 cubic yards of dredge material will need to be removed from the waterway in order to restore it to the permitted depths and widths. See attached project drawings that depict the pre- and post-dredging water bottom depths in 1999 and 2000; as well as, the current pre-dredging depths that reflect the recent survey. It is apparent from the examination of these drawings that the channel has undergone dramatic siltation.

To address the first FEMA position, please be advised that the Corps had performed maintenance dredging of this reach of the Calcasieu River (Loop Pass) dating back to 1874 by removing shell reefs and sandbars. This maintenance continued in the 1880's, 1893, 1894, 1902, 1903, and 1906-1907 for the purpose of maintaining this system as a viable navigation channel. The Calcasieu Loop Pass is a 3.3 mile reach of the old Calcasieu River which provided a link between the Gulf of Mexico and Calcasieu Lake. The purpose of the 1940 Calcasieu River Ship Channel Project was to provide a direct route from the Gulf of Mexico to the Port of Lake Charles. The portion of the Calcasieu River that comprises the present Calcasieu Pass was not included in the Ship Channel project because of the sharp bends which exist in the waterway. The Ship Channel was initially dredged to a depth of 30 feet, and was later deepened

to 40 feet in 1966. No maintenance dredging in the Calcasieu Pass has been performed by the Corps of Engineers since the 1940 project was completed.

Prior to the Calcasieu River Ship Channel Project, the channel in the Calcasieu Pass was naturally deeper due to scour created by tidal interchange between Calcasieu Lake and the Gulf of Mexico. Water depths during this period were reported to be 30 to 40 feet. The conversion of this reach of the Calcasieu River into a by-pass channel by the Ship Channel project effectively re-routed this tidal interchange, causing sediment build-up and shoaling in the Calcasieu Pass. Water depths in the Calcasieu Pass are much less today than historic depths.

A local bond issue financed a dredging cycle in 1999. In discussions with the Corps in 1999 requesting that they assume dredging the Loop, the Parish was informed that it would be very difficult, if not impossible for the Corps to perform maintenance dredging on this part of the Calcasieu River System. The Parish was informed that the Corps would also not be able to justify dredging to historic depths. The Corps does perform maintenance dredging on the Calcasieu River Ship Channel, but that activity does not include the Loop Pass.

To address the second FEMA position, the project drawings show significant siltation since the dredging cycle in 1999/2000. The most recent hydrographic survey, shows water bottom elevations that are greater than the pre-dredging survey performed in 1999. See attached as-built drawing that depict the 1999/2000 pre- and post-dredging water bottom elevations, as well as the most recent survey. This is proof that the hurricanes directly impacted the water bottom of the Calcasieu Loop Pass.

To address the third FEMA position, maintenance dredging was not performed after the initial project, because vessel traffic through the Loop Pass prevented significant siltation by the action of vessel propeller wash. After the hurricanes (Rita and Ike), vessel traffic was significantly diminished due to the damage sustained by the businesses along the Loop Pass, thus compounding the siltation caused by the hurricanes. In its present condition, the Calcasieu Loop Pass cannot function as a navigable channel to service the companies located along its reach. The operation of these companies is essential to the offshore oil industry as well as the economic survival and recovery of Cameron Parish.

If we can be of further assistance, please contact our office at your earliest convenience.

Sincerely,

Lonnie G. Harper, PE & PLS



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

October 23, 2009

Cameron Parish
Office of Planning & Development
119 Smith Circle
Cameron, Louisiana 70631
United States

Dear Mr. Broussard,

This is in response to your e-mail of October 22, 2009 regarding the U.S. Army Corps of Engineers' (Corps) authorization for dredging of Cameron Loop, and regarding East Fork. Cameron Loop and East Fork are both Section 10 navigable waterways.

Regarding Cameron Loop, The Corps is authorized, under the Calcasieu River and Pass, LA Operations and Maintenance (O&M) Project, to dredge the northern 1.1 mile portion of Cameron Loop to dimensions of -12 feet MLG deep by 200 feet wide. Please see the attached drawing which depicts the Federal channel (Enclosure 1). The Corps has not dredged Cameron Loop to these dimensions since 1976 due to channel conditions exceeding authorized dimensions.

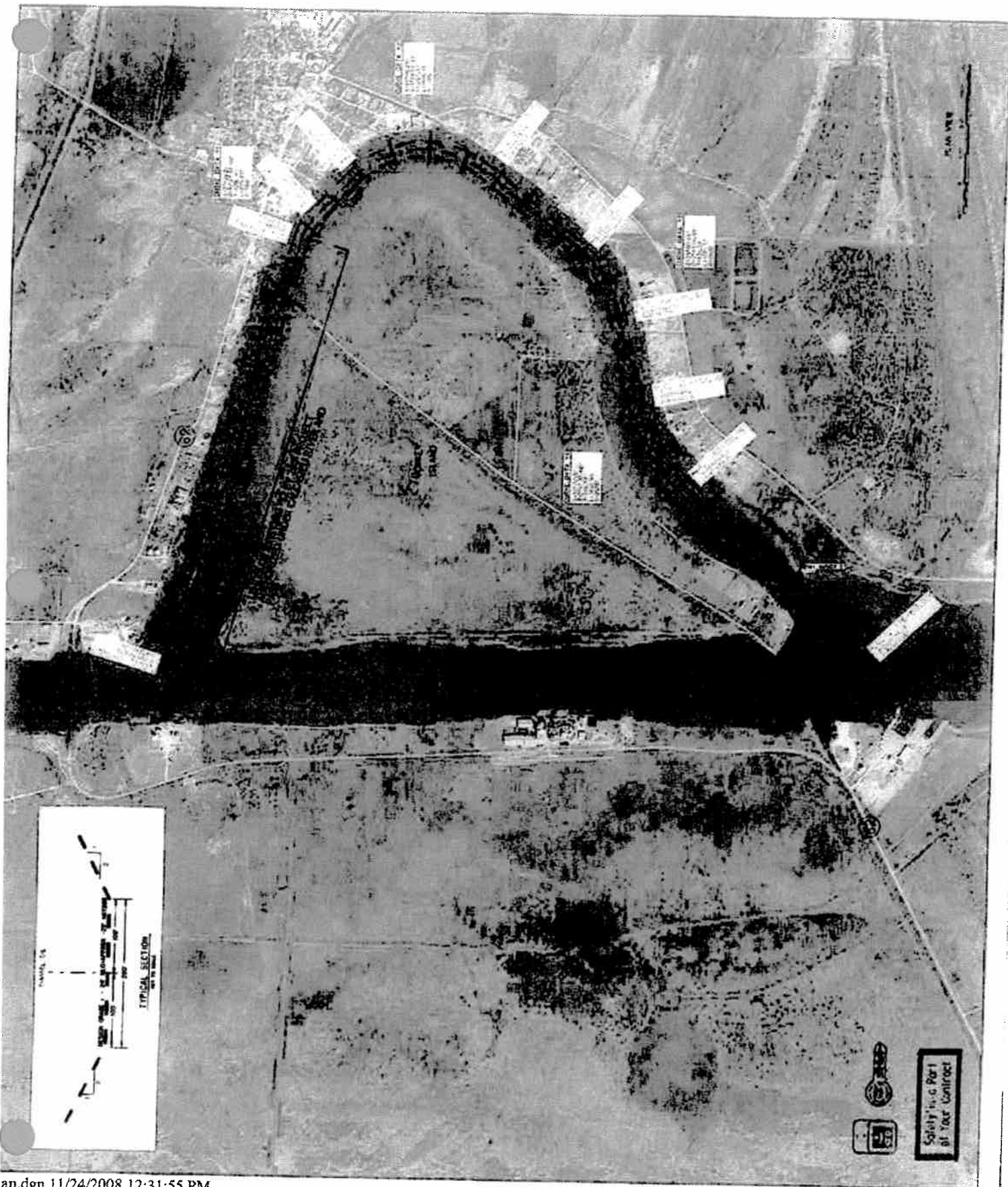
Regarding East Fork, the Corps is not authorized to maintain this waterway. The United States Coast Guard can verify whether or not East Fork is a navigable waterway.

If you have any questions, please feel free to contact me at (504) 862-2971.

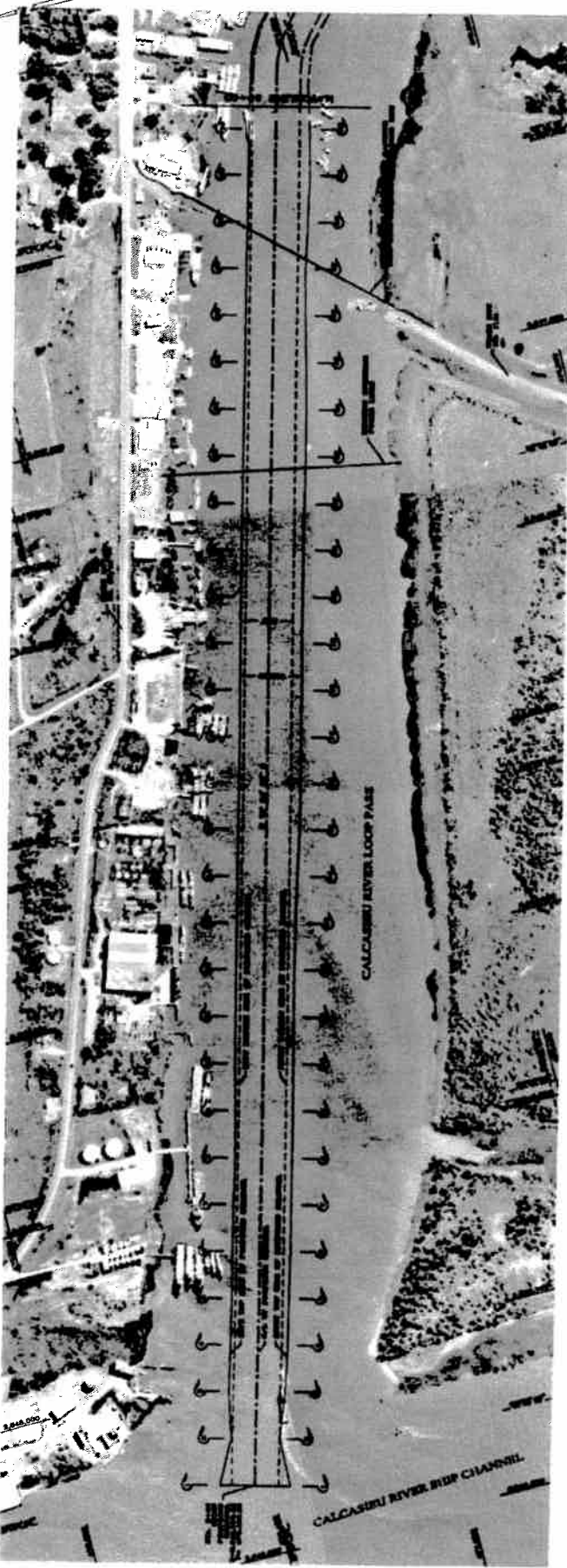
A handwritten signature in black ink, appearing to read "Tracy Falk", written over a circular stamp.

TRACY F. FALK, P.E.
Operations Manager
Operations Division

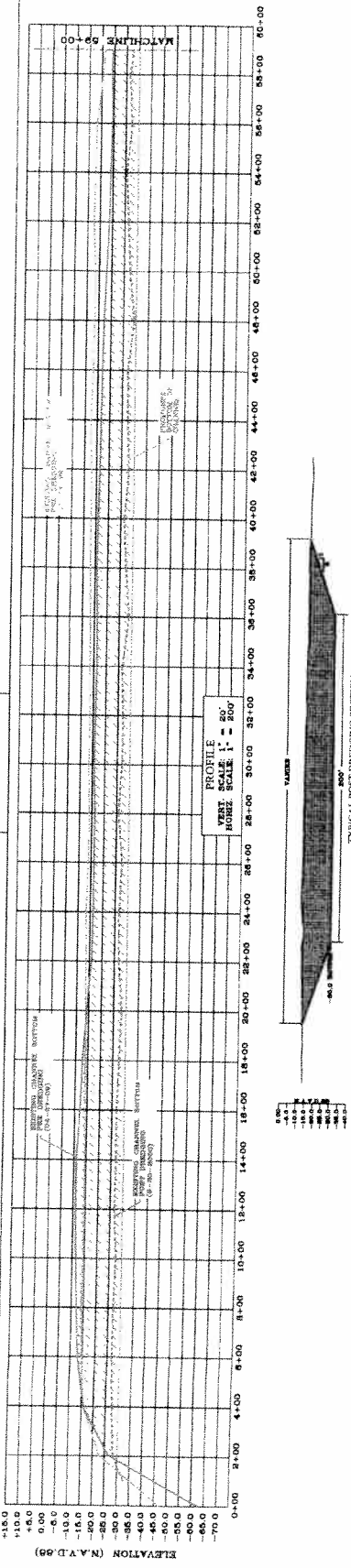
Encl



CAMERON PARISH, LOUISIANA



PLAN
SCALE 1" = 200'



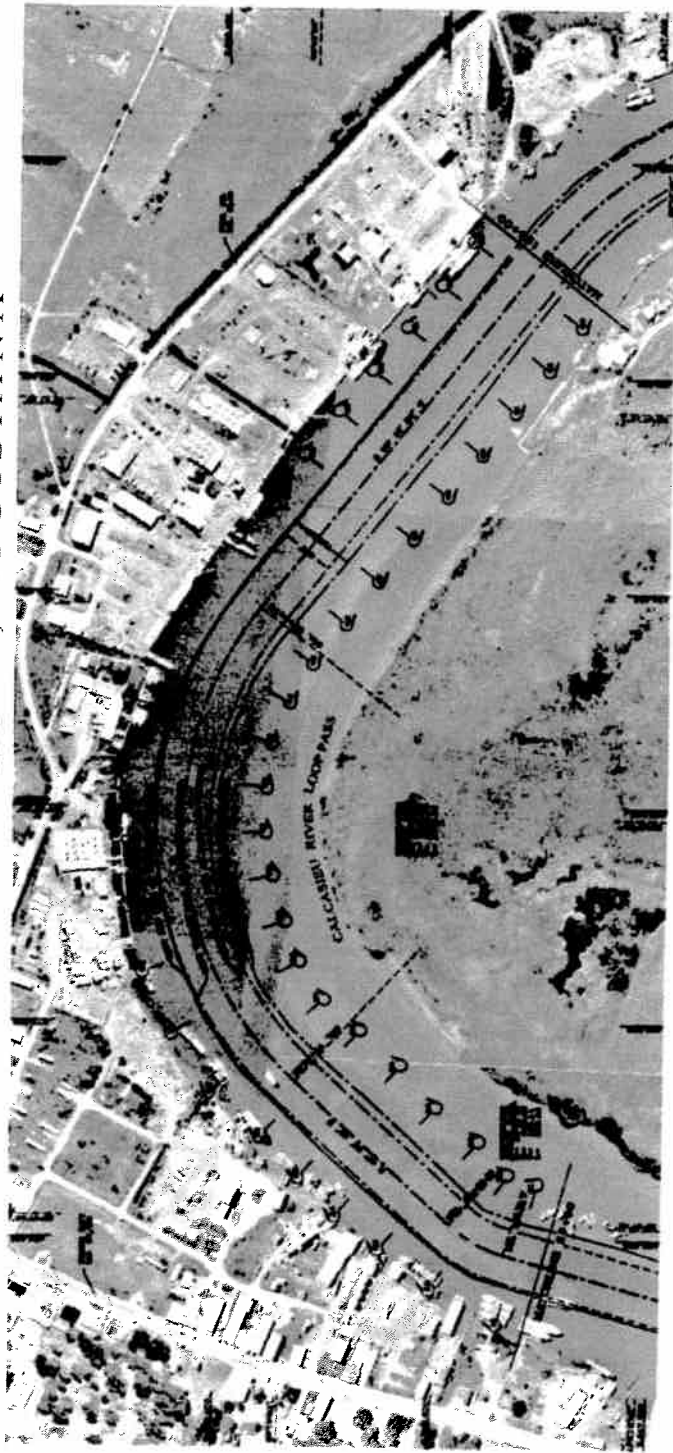
PROFILE
VERT. SCALE 1" = 200'

TYPICAL CROSS SECTION
SCALE 1" = 10'

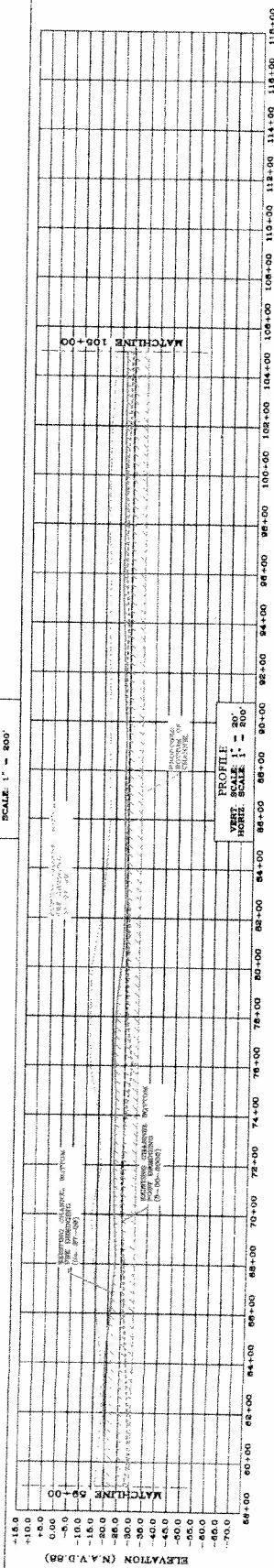
DESIGNED: L.G.H.	PROJECT NO.	DATE
DRAWN: D.D.B.	2009-12	09/16/2009
CHECKED:	1" = 30'	4 OF 10
APPROVED:	SCALE	SHEET
CAMERON PARISH POLICE JURY RESTORATION OF THE CALCASIEU RIVER LOOP PASS & EAST FORK STA. 0+00 TO STA. 59+00		
LOOP PASS PLAN & PROFILE		

LONNIE G. HARPER
and Associates, Inc.
P. O. Box 999, Grand Chenier, Louisiana 70528 (225) 638-8074

CAMERON PARISH, LOUISIANA



PLAN
SCALE 1" = 200'



PROFILE
VERT. SCALE 1" = 20'
HORIZ. SCALE 1" = 200'



TYPICAL POST-BRIDGING SECTION
SCALE 1" = 20'

LONNIE G. HARPER
and Associates, Inc.
P. O. Box 888, Grand Chenier, Louisiana 70548 (713) 536-0074

CAMERON PARISH POLICE JURY
RESTORATION OF THE CALCASIEU
RIVER LOOP PASS & EAST FORK

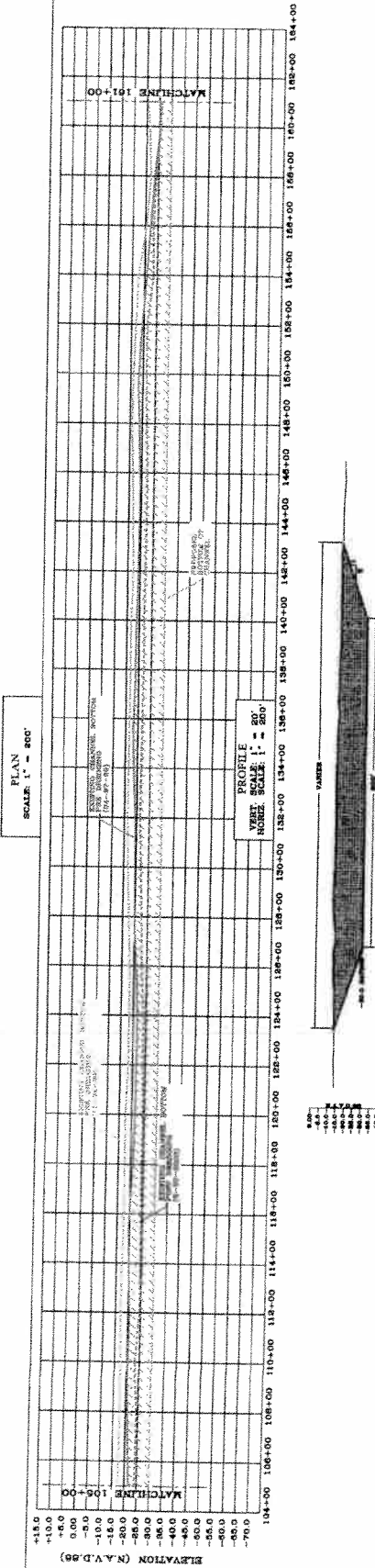
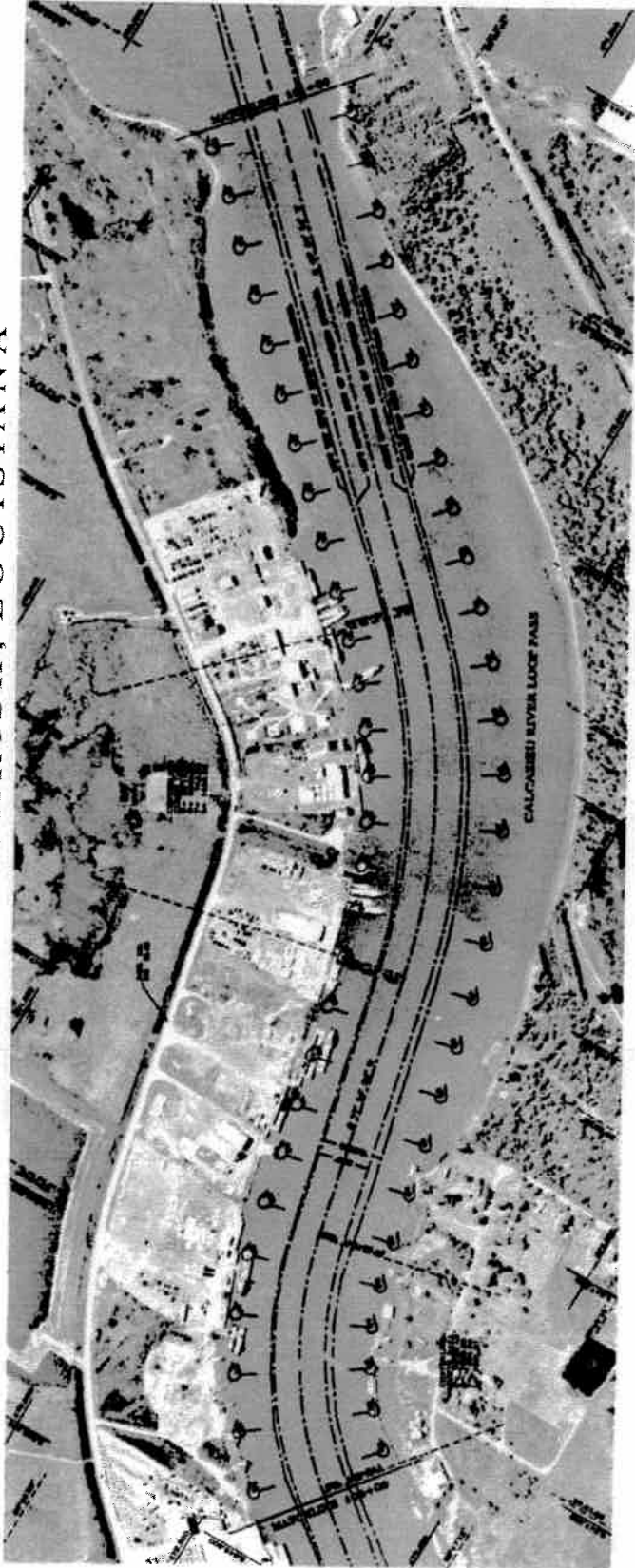


DESIGNED: L.G.H.
DRAWN: D.B.D.
CHECKED:
APPROVED:

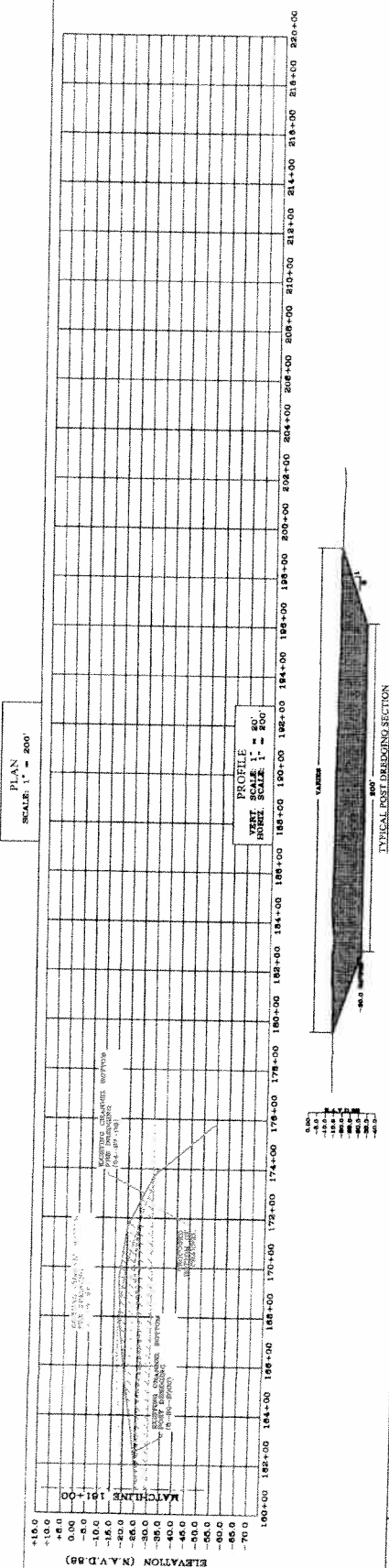
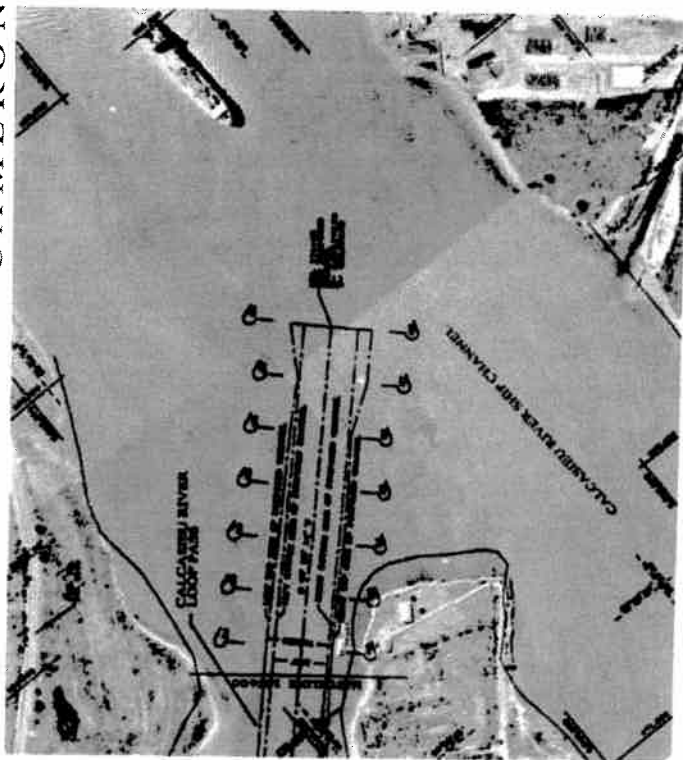
LOOP PASS PLAN
& PROFILE
STA. 59+00 TO STA. 105+00


PROJECT NO.
8009-12
DATE
05/15/2000
SCALE
1" = 20'
SHEET
5 OF 10

CAMERON PARISH, LOUISIANA



DESIGNED: L.G.H. DRAWN: D.B.D. CHECKED: [Signature] APPROVED: [Signature]		PROJECT NO. 0059-12 DATE 05/15/2009 1" = 20' SCALE		LOOP PASS PLAN & PROFILE STA. 105+00 TO STA. 161+00	8 OF 19 SHEET
LONGIE G. HARPER and Associates, Inc. <small>P. O. Box 898, Grand Chenier, Louisiana 70502 (504) 634-0875</small>		CAMERON PARISH POLICE JURY RESTORATION OF THE CALCASIEU RIVER LOOP PASS & EAST FORK			



DESIGNED: L.O.H. DRAWN: D.B.D. CHECKED: APPROVED: 

LONNIE G. HARPER
and Associates, Inc.
P. O. Box 229, Grand Rapids, Michigan 49501

**CAMERON PARISH POLICE JURY
RESTORATION OF THE CALCASEU
RIVER LOOP PASS & EAST FORK**

BY	DATE	LOOP PASS PLAN & PROFILE STA. 161+00 TO STA. 174+00	PROJECT NO.	DATE
			2009-12	05/15/2009
			1" = 30'	7 OF 19
	REVISIONS		SCALE	SHEET

FILE # 261620

Minutes of the West Cameron Port Commission, the governing authority of the West Cameron Port, Harbor and Terminal District, held July 27, 1999, at its regular meeting place, the Police Jury Annex Building Meeting Room, 110 Smith Circle, Cameron, Louisiana

08 JUL 26 AM 9 43

Mortgage

326

The West Cameron Port Commission met on the above date in regular session and was called to order by the President at 6:30 o'clock P.M., with the following members present:

Present: Rodney Guilbeaux, Cliff Cabell, Terry Hebert, Sammie Faulk, Robert Manuel and Wendell Wilkerson

Absent: J. P. Constance, Jimmy Brown and Greg Wicke

(Other business not pertinent to the present excerpt may be found of record in the official minute book.)

The following proposed resolution was offered by Rodney Guilbeaux and seconded by Robert Manuel:

RESOLUTION

A resolution providing for canvassing the returns and declaring the result of the special election held in the West Cameron Port, Harbor and Terminal District, on Saturday, July 17, 1999, to incur debt and issue \$3,500,000 of 15-year General Obligation Bonds of the West Cameron Port, Harbor and Terminal District.

BE IT RESOLVED by the West Cameron Port Commission, the governing authority of the West Cameron Port, Harbor and Terminal District, as follows:

SECTION 1. Canvass. This West Cameron Port Commission does now proceed in open and public session to examine the official tabulation of votes cast at the special election held in West Cameron Port, Harbor and Terminal District (the "District"), on July 17, 1999, to authorize the incurring of debt and issuance of bonds to the amount of \$3,500,000, to run for a period of fifteen years from date thereof, with interest at a rate not exceeding 8% per annum, for the purpose of deepening, widening, and improving the navigation channel in (i) Cameron Loop, Calcasieu Pass and (ii) East Fork, Calcasieu Pass, within and for said District, a work of public improvement, , and said West Cameron Port Commission does now further proceed to examine and canvass the returns and declare the results of the special election.

SECTION 2. Proces Verbal. A Proces Verbal of the canvass of the returns of said election shall be made and that a certified copy thereof shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be

forwarded to the Clerk of Court and Ex-Officio Recorder of Mortgages in and for the Parish of Cameron, who shall record the same in the Mortgage Records of said District; and that another copy thereof shall be retained in the archives of the West Cameron Port Commission, the governing authority of the West Cameron Port, Harbor and Terminal District.

SECTION 3. Promulgation of Election Results. The result of said election shall be promulgated by publication in the manner provided by law.

This resolution having been submitted to a vote, the vote thereon was as follows:

Yeas: Rodney Guilbeaux, Cliff Cabell, Terry Hebert, Sammie Faulk, Robert Manuel and Wendell Wilkerson.

Nays: None.

Absent: J. P. Constance, Jimmy Brown and Greg Wicke

And the resolution was declared adopted on this 27th day of July, 1999.

Attest:

/s/ Greg Wicke
Secretary

/s/ Cliff Cabell
President

PROCES VERBAL

PROCES VERBAL AND PROCLAMATION OF THE CANVASS OF THE VOTES CAST AT THE SPECIAL ELECTION HELD IN THE WEST CAMERON PORT, HARBOR AND TERMINAL DISTRICT, ON SATURDAY, JULY 17, 1999.

BE IT KNOWN AND REMEMBERED that on Tuesday, July 27, 1999, at six-thirty (6:30) o'clock p.m., at its regular meeting place, the Police Jury Annex Building Meeting Room, 110 Smith Circle, Cameron, Louisiana, the West Cameron Port Commission (the "Port Commission"), the governing authority of West Cameron Port, Harbor and Terminal District (the "District"), and being the authority ordering the special election held therein on Saturday, July 17, 1999, with the following members present:

Present: Rodney Guilbeaux, Cliff Cabell, Terry Hebert, Sammie Faulk, Robert Manuel and Wendell Wilkerson.

Absent: J. P. Constance, Jimmy Brown and Greg Wicke.

did, in open and public session, examine the official certified tabulations of votes cast at the said election, and did examine and canvass the returns of the said election, there having been submitted at said election the following Proposition, to-wit:

PROPOSITION

SUMMARY: AUTHORITY TO ISSUE \$3,500,000 OF 15-YEAR GENERAL OBLIGATION BONDS OF THE WEST CAMERON PORT, HARBOR AND TERMINAL DISTRICT FOR THE PURPOSE OF DEEPENING, WIDENING, AND IMPROVING THE NAVIGATION CHANNEL IN (i) CAMERON LOOP, CALCASIEU PASS AND (ii) EAST FORK, CALCASIEU PASS.

Shall the West Cameron Port, Harbor and Terminal District (the "District") be authorized to incur debt and issue bonds to the amount of Three Million Five Hundred Thousand Dollars (\$3,500,000), to run for a period of fifteen (15) years from date thereof, with interest at a rate not exceeding eight percent (8%) per annum, for the purpose of deepening, widening, and improving the navigation channel in (i) Cameron Loop, Calcasieu Pass and (ii) East Fork, Calcasieu Pass, within and for said District, a work of public improvement, title to which channel improvements shall be in the public, which bonds will be general obligations of the District and will be payable from ad valorem taxes to be levied and collected within the limits of the District, in the manner provided by Article VI, Section 33 of the Constitution of the State of Louisiana of 1974, and statutory authority supplemental thereto?

There was found by said count and canvass that the following votes had been cast at the said special election **IN FAVOR OF** and **AGAINST**, respectively, the Proposition as hereinabove set forth at the following polling places, to-wit:

	<u>For</u>	<u>Against</u>
Precinct 1 - 1		
Johnson Bayou Multi-Purpose Building		
5556 Gulf Beach Highway		
Johnson Bayou, LA 70631	<u>59</u>	<u>35</u>
Precinct 1 - 2		
Police Jury Annex Building		
110 Smith Circle		
Cameron, LA 70631	<u>56</u>	<u>13</u>
Precinct 2 - 1		
Hackberry Recreation Center		
1250 Recreation Circle		
Hackberry, LA 70645	<u>95</u>	<u>97</u>
Precinct 3 - 1		
Grand Lake Recreation Center		
108 Recreation Center Lane		
Grand Lake, LA 70607	<u>122</u>	<u>57</u>
Precinct 3 - 2 (part of)		
Grand Lake Recreation Center		
108 Recreation Lane		
Grand Lake, LA 70607	<u>91</u>	<u>15</u>
Precinct 4 - 3 (part of)		
Muria Fire Station		
129 Muria Road		
Creole, LA 70632	<u>3</u>	<u>1</u>
Precinct 4 - 5 (part of)		
Lowry Fire Station		
460 Lowry Highway		
Lake Arthur, LA 70549	<u>0</u>	<u>0</u>
Precinct 5 - 1 (part of)		
Creole Community Center		
184-B East Creole Highway		
Creole, LA 70632	<u>249</u>	<u>26</u>
Precinct 6 - 1		
Cameron Multi-Purpose Building		
122 Recreation Lane		
Cameron, LA 70631	<u>304</u>	<u>20</u>
	<u>278</u>	<u>13</u>
Absentee Votes:	<u>1,257</u>	<u>277</u>
Totals:		

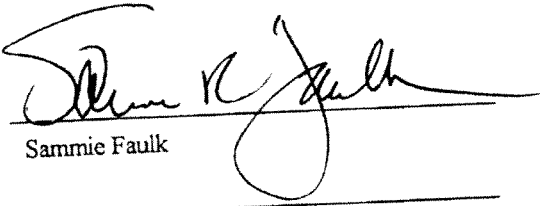
The polling places above specified being the only polling places designated at which to hold the said election, it was therefore shown that there was a total of 1,257 votes cast **IN FAVOR OF** the Proposition, and a total of 277 votes cast **AGAINST** the Proposition , as hereinabove set forth.

Therefore, the Port Commission, did declare and proclaim and does hereby declare and proclaim in open and public session that the Proposition, as hereinabove set forth, was duly **approved** by a majority of the votes cast by the qualified electors voting at the said special election held in the District on July 17, 1999.

THUS DONE AND EXECUTED in open and public session by the West Cameron Port Commission, the governing authority of West Cameron Port, Harbor and Terminal District, in the presence of the undersigned witnesses at Cameron, Louisiana, on this, the 27th day of July, 1999.

WEST CAMERON PORT COMMISSION,
GOVERNING AUTHORITY OF
WEST CAMERON PORT, HARBOR
AND TERMINAL DISTRICT,
CAMERON, LOUISIANA

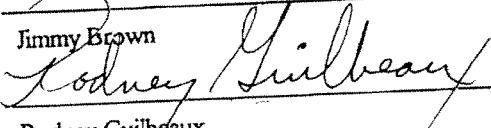
J. P. Constance



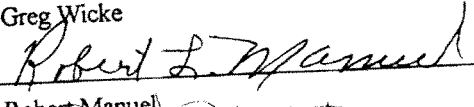
Sammie Faulk

Jimmy Brown


Greg Wicke




Rodney Guilbeaux



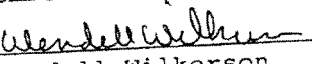
Robert Manuel



Cliff Cabell

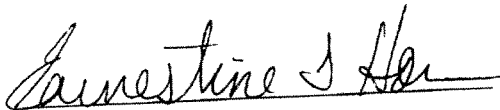


Terry Hebert

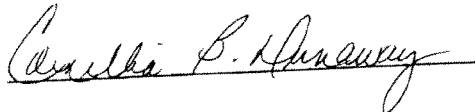


Wendell Wilkerson

WITNESSES:



Ernestine S. Har



Cecilia B. Hanaway

PROCLAMATION

I, Cliff Cabell, President of the West Cameron Port Commission, the governing authority of West Cameron Port, Harbor and Terminal District (the "District"), do hereby declare, announce and proclaim on behalf of said West Cameron Port Commission that the Proposition submitted at the special election held in the District on July 17, 1999 was duly approved, as ascertained by the canvass of the votes cast at the said election, made by said West Cameron Port Commission assembled at its regular meeting place, the Police Jury Annex Building Meeting Room, 110 Smith Circle, Cameron, Louisiana on July 27, 1999, at six-thirty o'clock (6:30) p.m., in accordance with Article VI, Sections 30, 33 and 35 of the Constitution of the State of Louisiana of 1974, and in strict compliance with the Louisiana Election Code, as provided in Article XI, Section 1 of the Constitution of the State of Louisiana and the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

A copy of the resolution adopted by the West Cameron Port Commission July 27, 1999, providing for canvassing the returns and declaring the result of the said special election and Proces Verbal of the said West Cameron Port Commission setting out a tabulation of votes cast in each voting precinct is annexed to and made a part of this Proclamation.

THUS DONE AND SIGNED at Cameron, Louisiana, on this, the 27th day of July, 1999.

ATTEST:

/s/ Greg Wicke
Secretary

/s/ Cliff Cabell
President

STATE OF LOUISIANA

PARISH OF CAMERON

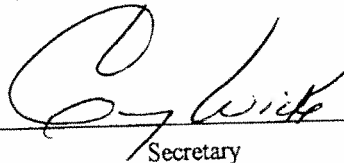
I, Greg Wicke, certify that I am the duly qualified and acting Secretary of the West Cameron Port Commission, the governing authority of Cameron Port, Harbor and Terminal District.

I further certify that the above and foregoing constitutes a true and correct copy of an excerpt from the minutes of a meeting of said West Cameron Port Commission held July 27, 1999, a resolution, entitled:

A resolution providing for canvassing the returns and declaring the result of the special election held in the West Cameron Port, Harbor and Terminal District, on Saturday, July 17, 1999, to incur debt and issue \$3,500,000 of 15-year General Obligation Bonds of the West Cameron Port, Harbor and Terminal District.

and a Proces Verbal and Proclamation adopted at said meeting, as said minutes, resolution, Proces Verbal and Proclamation appear of record in my official possession.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the West Cameron Port, Harbor and Terminal District, on this, the 27th day of July, 1999.



Secretary

[SEAL]